

Remarks

By way of the foregoing amendments, appropriate headings have been introduced into the specification. In addition, the claims have been rewritten in a form more suitable to U.S. practice. In view of the claim amendments, the rejection of claims 5 and 7 under 35 U.S.C. 112 presumably is now moot. In particular, the offending language in claim 5 has been deleted, and claim 7 has been amended to refer to "the panel" instead of "the panels".

For clarification, it is noted that the claims that were amended by way of the Preliminary Amendment filed with the original national phase entry papers were those submitted during the International phase. However, the undersigned just realized that those claims were not the subject of the International Preliminary Examination Report (IPER). Instead, the IPER was based on the claims as originally filed in the International application. Nevertheless, the Office appears to have entered the amendments based on the translation of the amended claims presented during the International phase, and accordingly the amendments presented herein are based on the same set of claims, as opposed to the originally filed claims. Presumably these were also the claims upon which the Office Action dated September 2, 2003 is based.

Turning now to the art rejections, the Examiner relies primarily on the Lussi et al. patent to reject the claims. The Lussi et al. patent discloses a flexible floor covering made from a non-asbestos felt with a soft middle layer and a covering. In Example 1 of the reference, the non-asbestos felt is covered with a modified ethylene-vinyl acetate latex layer. To this layer there is added a PVC-dispersion. This is the usual procedure for producing a non-rigid PVC sheeting. The same applies for Example 3. Accordingly, the Lussi et al. patent discloses inlaid vinyl floor coverings with superior flexibility (column 3, lines 20 to 23).

Flexible floor coverings typically develop less noise than rigid floor coverings when people step on them. In applicant's specification on page 1, lines 15 to 25, the differences between elastic floor coverings and rigid floor panels with respect to noise development is discussed.

Given the fact that the Lussi et al. patent relates to a flexible floor covering, the person of ordinary skill in the art would find no indication how to avoid noise development in the case of a rigid floor covering. This problem is not even addressed by Lussi et al. because flexible floor coverings do not have a strong noise problem.

Thus, the Lussi et al. patent neither discloses nor suggest a sound-insulating floor covering component as set forth in claim 1, which comprises inter alia a rigid laminate or parquet panel including wood or timber-based materials. It is also noted that the PVC dispersion of Lussi et al. is applied to the top surface of the felt and not to its bottom surface.

The Vaughn et al. patent is even more remote. This patent describes the preparation of novel filters using porous fiber filaments. There is absolutely no link for the person skilled in the art between production of the fibers and filaments and their filtering effects on the one hand and the reduction of the noise with respect to rigid floor coverings on the other hand. No reasonable basis exists for applying any of the noted teachings of Vaughn et al. to the flexible floor covering of Lussi et al.

For at least the foregoing reasons, the rejection of the claims is improper and should be withdrawn.

In view of the foregoing, request is made for timely issuance of a notice of allowance.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

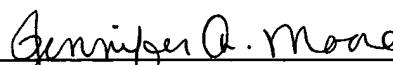
By 
Don W. Bulson, Reg. No. 28,192

1621 Euclid Avenue
Nineteenth Floor
Cleveland, Ohio 44115
(216) 621-1113

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper or thing referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 1-2-04


Jennifer A. Moore